



Agenda  
Village of Arlington Heights  
Building Code Review Board  
Commissions Room  
33 S. Arlington Heights Rd., AH 60005  
July 24, 2023  
6:30 PM

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

- A. May 17, 2023 Draft Minutes/Chez Hotel

**IV. REPORTS**

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

- A. Memo - Removal of amendments and adapting the appendices to the basic Building and Fire Code.

**VII. OTHER BUSINESS**

**VIII. PUBLIC COMMENT**

**IX. ADJOURNMENT**

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Erin Mercado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, [emercado@vah.com](mailto:emercado@vah.com) or (847)368-5793.



**Building Code Review Board  
7/24/2023**

**Item:** May 17, 2023 Meeting Minutes/Chez Hotel

**Department:** Building & Life Safety

**ATTACHMENTS:**

**Description**

May 17, 2023 Draft Minutes

**Type**

Minutes

**DRAFT**

**BUILDING CODE REVIEW BOARD**

**MINUTES OF A MEETING BEFORE THE  
VILLAGE OF ARLINGTON HEIGHTS  
BUILDING CODE REVIEW BOARD**

**May 17, 2023**

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**MEMBERS PRESENT:**

Tom Hutchinson, Chairman  
Richard Bondarowicz  
Pat O’Gorman  
Trustee Jim Tinaglia

**ADMINISTRATION PRESENT:**

Jorge Torres, Director of Building & Life Safety  
Hart Passman, Village Attorney  
Elliot Eldridge, Assist. Building Official  
Dave Roberts, Division Chief  
Patty LeVee, Recording Secretary

**Other:** James Cazares, Barry Berk, Danielle Bilotto, Krystyna Cazares, Tony Cazares, Ewa Cazares, Tom McCormack, Enrique Casper, Barbara Dettmer , Michelle Houmpavlis

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**SUBJECT:** 519 W Algonquin Rd – Petition for Appeal and Modification

There being a quorum present, the meeting was called to order at 6:32pm.

**APPROVAL OF MINUTES**

**CHAIRMAN HUTCHINSON MOVED TO APPROVE THE MAY 11, 2022 MINUTES OF THE BCRB.  
ALL PRESENT WERE IN FAVOR**

**AYES:** Mr. Hutchinson, Mr. Bondarowicz, Mr. O’Gorman, Trustee Tinaglia,

**ABSENT:** Mr. Baldassarra and Mr. Smith

**NEW BUSINESS**

**Chez Hotel, 519 W Algonquin Rd, Petition for Appeal and Modification**

**Mr. Passman** (Attorney for the Village of Arlington Heights) introduced himself and shared with the Board a copy of the Village Code provisions that govern the BCRB. Specific mention to powers, regulations and responsibilities of the BCRB was noted and the procedure of the meeting was explained. **Mr. Passman** noted that the application was received in April, with VIII Counts, a second revised application was received Thursday introducing a IX Count. Being there was not enough time to respond, the meeting tonight is for the VIII Counts from the initial application.

**Mr. Berk** (Attorney for Petitioner) introduced himself, representing the applicant and owners at 519 W Algonquin Rd, Chez Hotel. Introductions of attendees were made which included the owners, family members, their engineer, architect and inspectors, as well as co-counsel.

**Mr. Berk** presented that Arlington Heights previously treated the Cazares' very collegially with a great deal of cooperation and support for this development. They would like to find a way to return to this kind of relationship as there is a mutual benefit; however, over the last couple of years, this has changed.

**Mr. Berk** next described the project. The project is a six story hotel, added to the existing single story banquet hall building that has two partial basements. The restaurant and the roof top are planned for the 6<sup>th</sup> floor of the hotel, which was previously, maybe not the case anymore, but strongly supported by Arlington Heights. The hotel addition, 1-hr fire rated construction, Type 2A, the existing banquet hall is non-combustible, non-fire rated Type 2B. The building is fully sprinklered. Construction has been frozen. On January 20, 2023 there was a stop work order issued. Prior, for whatever reason, commencing in February of 2022, the Village refused to conduct any further inspections. Prior to that time, they conducted a number of inspections, including seven rough inspections, which passed.

**Mr. Berk** explained the Village refused to conduct further inspections (which is an IBC violation). Under a very difficult situation, they hired ICCI, Ms. Dettmer's firm (the Inspector for Chez Hotel) firm, who conducted over 96 inspections. Barb completed the roughs that were not yet completed by Arlington Heights. Some months thereafter they proceeded to dry wall. The last inspection from the Village noted is January 28, 2022. At that time matters went south, he is not sure why, but a stop work order was entered. The stop work order does not identify any issues with any of the constructions nor does it say what has to be done in order to remove the stop work order. Mr. Berk noted this was wrongful and violates the IBC.

**Mr. Berk** stated the first five floors are fully drywalled. Everything underneath, if not examined in the set of approved roughs by the Village, were examined and signed off on by ICCI. The 6<sup>th</sup> floor is not drywalled. That can be examined if there is a safety concern. There are 200 fire rated access panels that could be reviewed. For whatever reason, the Village does not want to do that.

**Mr. Berk** stated his understanding is that the BCRB is an advisory body. He is hopeful that whatever is advised or recommended to the Trustees would be taken very seriously.

**Mr. Berk** presented a one page chart to the Board and staff. It is a chart set forth in the Jensen Hugh report; Jensen Hugh was hired by the Developer to look at the Building. **Mr. Berk** proceeded to explain the chart.

**Mr. Berk** stated they proposed to Mr. Torres that Ms. Dettmer's inspections be allowed. It is understood that under the IBC he has the discretion to do that. **Mr. Berk** stated that today his co-counsel and he spoke with Mr. Passman and they started to talk about that perhaps down the

line the Village would no longer object to using Ms. Dettmer in some capacity. An agreement was not reached, there was just a discussion.

**Mr. Berk** next discussed the VIII Counts as follows:

Count I – Request to utilize Ms. Dettmer 's firm, ICCL, as a 3<sup>rd</sup> party inspection firm for the remainder of the inspections and requests that her prior inspections be ratified.

Count II – Drywall issue, requesting a waiver to remove the fire rated walls and barriers. Asking that any if any further inspections are deemed necessary, that they be deemed non-destructive. Requests to reasonably rely upon 96 to 100 inspections by ICCL, to look at the 200 access panels, to look on the 6<sup>th</sup> floor and to see where it is at.

Count III – Rescission of Stop Work Order. The Stop Work Order, dated January 20, 2023, states No Inspections. It states nothing else. It does not comply with IBC Section 115.2.

Count IV – Seeks approval of design alternative with regard to the 6<sup>th</sup> floor patio and bar. It could also be termed the labor of the Village 3<sup>rd</sup> Floor rooftop regulation, which he understands is IBC Table 503. This concept received unqualified support from the prior administration. It would be a jewel in Arlington Heights and make the Village better, as long as it's safe. Mr. McCormick's (representing Jensen Hugh) report says that it is safe and indicates what needs to be done to assure that.

Count V – Approval of existing Fire Command Room. Alleged in the verified petition, sworn under oath by Mr. Cazares, is that the current position of the Command Room was previously approved by Fire Chief Larson. It is understood that Mr. Torres wants to relocate it to the lobby. The prior approval was authorized pursuant to IBC Section 104.11. To move it now, creates substantial hardship and practical difficulty.

Count VI – Request of the approval of the water feeding supply – Section 6.3.1 of the Jensen Report addresses this very clearly. There is a proposed impairment plan, they believe that the impairment plan exceeds the standard set forth in the National Fire Protection Association, 25 Chapter 15.

Count VII – Request the deferral of the generator installation for 36 months. There is an issue as to whether or not the generator is even required.

Count VIII – That Thompson Elevator to serve as third party inspection for the elevator inspections. It is proper pursuant to IBC 110.4.

Count IX – will not be addressed, but respectfully stand on the pleading it was filed and asks for the record that the choice not to address that is that is just came across six days ago, not be deemed to waive the relief they are requesting. Mr. Berk wants to make sure it is known there

is an amended petition that was filed. Mr. Passman clarified that it was submitted to the Village but it was not submitted to the Board.

**Mr. Berk** discussed the violation of the IBC by the Village. Section 110.6 provides “the Building Official, upon notification, shall, noting, shall is a mandatory not a discretionary term, make the requested inspections. The Village has refused to inspect since February of 2022. Last record is January 28, 2022, an electrical rough for the 2<sup>nd</sup> and 3<sup>rd</sup> floor. That is a violation of the IBC.

Second violation related to the stop work order, and the drywall. The problem is when the Village violates the IBC and they won't do any more inspections, it becomes a very difficult decision and the Developer is faced with a decision and that is that they hired ICCI. ICCI did 96-98 inspections, all roughs finished and they did that to make sure it was safe, that is when drywall started, after the inspections were complete.

**Mr. Berk** concluded stating we are at a point where the question must be asked; has safety been prioritized? The answer is yes. Bottom line is that making money by opening an enterprise beneficial to Arlington Heights and safety are not mutually exclusive. They can and they do co-exist at Chez Hotel.

**Mr. Torres** next responded stating that whenever we do a site inspection and the drawings do not match what is at the site, we do require revised drawings. In December of 2021, it was noticed that the load bearing walls were not done per the plans. We requested revised drawings. We allowed them to continue working and we continued scheduling inspections not pertaining to that area. We did not get a response on the revised drawings until January, 2022, when the architect decided to change construction type because the section of the code for load bearing wall would not allow reduction of the 2 hr. to 1 hr. He decided to change construction type. We went down that path, we submitted the revised drawings for the construction type for 3<sup>rd</sup> party review. A few months afterwards, the applicant decided to pull the petition, that they are not going change the revised drawings, construction type. They are going to keep it the way it is. After so many months, Mr. Torres informed them that the Village cannot do any inspections without any approved drawings; however, you can continue working with the exception that you cannot cover any walls. They were given written notice in March, 2022. The applicant requested if they can cover the walls and Mr. Torres responded. absolutely not. Legal to legal also made the comment that they cannot cover the walls, and also made the statement that a 3<sup>rd</sup> party inspection will not replace the Village inspections. This is documented in email and included in the summary presented to the BCRB.

**Mr. Torres** continued that in November, he attended a training session and met with Ms. Dettmer who approached him and mentioned she is doing inspections at his Village, for Chez Hotel. Mr. Torres was not aware of this and explained to her that she is not representing the Village. He told her we encourage them to hire inspectors for their own construction as an organization but not to represent the Village. Mr. Torres noted that his and Ms. Dettmer 's impression was a bit startled not realizing this was happening; however, through conversation they decided, yes, the fire rating wall was reduced. Mentioned was using this exception on a high-rise section that

would allow the reduction of the load bearing wall. Mr. Torres had said we could do that, however, you would have to comply with the entire Section now, as it is no longer a midrise, it would be a high-rise if you want to use that exception.

**Mr. Torres** explained, this is where we are at. He received a letter from the architect, it was agreed they will comply to the entire high-rise section to use that exception. One of the conditions Mr. Torres had was to do a site inspection. Upon site inspection, the first thing noticed was all walls and ceilings were covered on the 1<sup>st</sup> floor. At that, he was done and would not continue to do any more inspection or walk the entire building because, what is he looking at, everything was covered. It was then Mr. Torres posted a Stop Work Order as no inspection was scheduled or passed in order to cover the walls and the ceilings.

**Mr. Torres** responded to the Counts as follows:

Count I – to utilize 3<sup>rd</sup> party inspection. Per the IBC, Section 110.6, “work shall not be done beyond point indicated in each successive inspection without first obtaining the approval of the Building Official.” The definition of approval as stated in the 2009 IBC is: “Acceptable to the Code Official or authority having jurisdiction.” The Village does not permit 3<sup>rd</sup>-party inspectors hired by building permittees to issue the approvals in the place of the Village inspections”. We have never allowed it, especially without even notifying us. Therefore, Count I, denial for request modification for the 3<sup>rd</sup> party inspection firm.

Count II – request for waiver to remove fire rated walls and barriers. Again, Petitioner did not request modification per IBC Section 110.6 – the Village is unable to perform the required rough inspection while drywall remains mounted. Installation of drywall prior to successful completion of a rough inspection is not permitted by the Code. Moreover, the Village did not approve or retain ICCI as an inspector. Ms. Dettmer’s inspections are not valid for the Village, there was no authorization.

Count III – request to rescind wrongful Stop Work Order. The Village position, denial request for modification. Section 104.3 of the IBC states: “The Building Official shall issue all necessary notices or orders to ensure compliance within the Code.” Because work continued without inspection, a Stop Work Order was posted. The Village stopped performing inspections because it did not have approved drawings that reflect the construction actually performed. The construction still does not comply with any approved drawings, after 1 ½ years, no approved drawings.

Count IV – Request for approval of proposed design alternatives under IBC Section 104.11. Denial, request for modification. Per Section 709.3 of the 2009 IBC, concerning fire rating, “Fire partitions shall have a minimum fire-resistance rating of 1hr.” However, based on the approved set of drawings from the Architect dated December 13, 2018, and approved February 8, 2019, Page T1 – load bearing interior walls needs to be 2hr rating. The permittee did not comply with this requirement that the approved drawing states.

Count V – Request approval of Fire Command Room. **Mr. Torres** stated that as of now, as of this day, through FOIA's and everything else, we have no records of Chief Andrew allowing the Fire Command Center to be located in the basement. There is no record of that. Per the Code, the Fire Command Center must be by the main door on the 1<sup>st</sup> floor. On discussion with the Fire Chief, that is our request. Since we are using high-rise section, this is mandatory. The approved drawings did not call that room in the basement a Fire Command Center, it called it a Pump Room.

Count VI – Request modification of water supply feeding with impairment plan pursuant to IBC Section 403.3.2. Once again, denial modification. Per Section 403.3.2, the IBC Fire Pump shall be supplied with connections with at least two watermains. It is the Code; it is the minimum Code.

Count VII – Request for deferred installation of generator for 36 months. We request denial of the modification. We do require permit plans to be approved and we can discuss the installation not more than a year. We are willing to work with the applicant but not more than one year, once the building permit has been approved for the generator.

Count VIII – Request to utilize Thompson Elevator Inspection Service. Mr. Torres explained there is no problem with that, with the exception they provide approved drawings for a high-rise elevator. If they want to use that exception of the fire rated wall or load bearing wall. We have no problem using Thompson, but what are they going to do without approved drawings? Discussion with Thompson, of which the applicant was emailed, they want to review it as a high rise because that is the condition that we allowed them to use that fire rating.

**Mr. Berk** stated, it was not discussed why Ms. Dettmer's inspections or reports should not be considered and so forth. What we heard was a technical recitation of what brings us here tonight. No willingness to work with the Developer to have a safe facility and to get it open. He was hopeful to talk through this and find ways things can be done.

**Mr. Berk** continued noting nothing was said about why it does not make sense to look at 6<sup>th</sup> floor, nothing about not examining access panels, nothing about the Stop Work Order showing why it doesn't violate the IBC and so forth.

**Trustee Tinaglia** informed Mr. Berk the BCRB is made up of all professionals, some things explained, they already understand. He pointed out that nothing said tonight is any derogatory way towards their credentials or professions. There is usually a reason why something goes sideways. How did we get here so far down this road without answers as to why this is happening?

**Mr. Bondarowicz** asked, who is the general contractor leading this project, who is running this project as a contractor? **Mr. Cazares** stated, he is a licensed contractor. He has 20 years of experience and has built these types of buildings before, he's built skyscrapers. He has dealt with these types of projects in the City of Chicago and other municipalities.

**Trustee Tinaglia** explained that when there is a multi-million dollar project like this, there are things call RFI's (request for information), there are change orders, there are a number of things that can happen on every project, and somebody has to answer those before the work goes on. Example: we want to change the 6<sup>th</sup> floor to something different than it is. The architect might do a design drawing for the owner. Then the drawing has to go through proper chain and eventually get approved by the municipality. It could be as simple as a rating on a wall. When these things happen, there is always a document called an RFI that somebody has to prepare and get approved before the work goes on. If there is a question as to whether there is a legitimate alternative, not a clear-cut answer, often times the Village or Municipality or whoever is governing the project opinion is sought to make sure it is acceptable when the inspector comes out. Do we have that, RFI's and so forth, that states why we changed to a high-rise code because the fire rating of the bearing wall was changed, and here's how the plans are changing to accommodate that unilaterally throughout the whole project, including the generator for the elevator?

**Trustee Tinaglia** continued that once you go to high rise, you are adding a generator. No way around that, it is part of the high-rise code. He asked if they can present RFI's and change orders.

**Ms. Bilotto** (co-counsel) stated that Mr. Cazares has stamped and approved plans. It went through over 20 reviews by Deb Pierce, Master Plan Examiner for the Village, over the course of over a year. All were stamped and approved. At every line item it listed exactly what was as built now. At no time did the Village say this is not allowed, there is a problem here, this does not meet the Code. A person building in the Village relies on the municipality and their expert plan reviewer, their inspectors, their Building Department to be able to guide through the process and prevent them from getting to a fully erect building, and now all of the sudden they are finding out that there are problems.

**Ms. Bilotto** continued that the fact this is stamped and approved is critical. On top of this, prior administration, Mr. Lay and Mr. Touloumis, had conversations with Mr. Cazares as to the differences between a high-rise and a midrise. They have emails between them that state, bring it down a couple of inches and you won't have to comply with this, that or the other. Or you need, this, this and/or generator but you do not need all. We have those emails and there was communication. It may not be memorialized beyond those emails and beyond the stamped and approved plans, she is unsure about RFI as it is outside her knowledge base, but they have that. The new administration came in and started to undo what the old administration had already approved. It is said that you have the right to rely on someone you believe has the authority to grant these things, whether right or wrong, granting these exceptions is neither here nor there, because as a consumer, as a construction person, as a resident, you are relaying on the authority that they have to grant permission to do xyz. This is what was granted. There were little variances given to them on the project, which is why we are having the problem where this falls in between a midrise and a high rise. There is argument over which classification it should be.

**Mr. Torres** stated the architect designed the building as a midrise not a high rise. The only thing is that the high-rise came into position of the role is because the fire rating wall that they built;

they want to use the exception of a high-rise section. You can use that if it is a high-rise building only, they did not design it nor was it approved as a high-rise. **Mr. Torres** acknowledge that Ms. Bilotto is right, we recommended lowering the height of the building so you would not be classified as a high-rise and avoid that section. The problem is the architect and the code requires that if it is a load bearing wall, it has to be 2hr rating. They did not install it as 2hr rating, we noticed that in December, 2021. That is when they wanted to change construction type, that is when the architect sent a letter that they want to keep the 1hr rating; however, they will comply with the entire high-rise section. That is the only time high-rise came into play, it was this year. Last year, in November, when Mr. Torres spoke with Ms. Dettmer, in December or January, the architect sent a letter stating, yes, they are going to meet all of the high-rise section or order to use the exception of the fire rating wall to be reduced from 2hr to 1hr.

**Mr. Bondarowicz** stated an important turn is that the Village went out for inspection and noticed that this was not per the plans and requested updated drawings. The date was December, 2021. What happened with those drawings?

**Mr. Torres** replied they did not receive any response from the Architect until January, stating yes, the 1hr rating will work if we change construction type. **Mr. Torres** said they cannot change construction type in the middle of construction. They said they would like to do that. They were told if they want to change construction type, we are going to have to review the entire drawings, not for the mechanical because that has been inspected and approved, but the entire drawings for changing construction type.

**Mr. Bondarowicz** asked if drawing were ever resubmitted. **Mr. Torres** answered, resubmitted for change of construction type, yes.

**Mr. Cazares** stated that was with Mr. Touloumis, the building was originally a high rise. The Village Board approved the building as a high-rise. It was submitted as a high-rise. They came back to the Board and modified, made a reduction in rooms at a smaller size. Furthermore, after meeting with Mr. Touloumis and Mr. Lay, they continued through the process of working through the entire building and they made modifications in heights. They worked with the past Fire Chief on the location of where the Fire Command Room and where the panel was going to be. There were many, many meetings with them, of which Mr. Torres was not part of that. Mr. Torres in just recently and Mr. Cazares understands that what happened before, Mr. Torres has no record of that and no understanding. What Mr. Cazares and Mr. Castel (the architect) did and this building was developed as a high rise, the fire alarm is high-rise compliant. They have so many high-rise compliant items, and when they made the reduction of 6 inches in the building, some items were granted, like the generator xyz. And the determination of how it was a high rise, was from the old Fire Chief of where historically the fire car stops. The fire car stops right by the front entrance, not in the rear or in the back, or where the soffit is and so forth, this was all done over 4 years ago, hashed through multiple meetings. Everything was memorialized and stamped.

**Trustee Tinaglia** explained to James that many times, especially on a big project like this, you run into these bumps and you want to ask for some relief on something. Before you go too far, you

come in and get approval on that particular deviation from whatever code issue is in your way. What it feels like here is that there were a lot of missed opportunities for that over so many months.

**Mr. Cazares** said he received those deviations over 5 years ago with the previous administration and they had multiple meetings over 13 months talking with us and getting variances and modifications. His understanding is that he already received them. He kindly disagrees, he received those, it is just that it is not being honored by the current administration.

**Trustee Tinaglia** corrected the statement noting Mr. Cazares came to the Village Board and got approve for a high rise. He explained as a Village Board, we have no authority, no inference, no position to approve something "called a high rise". You present a drawing, a design that your architect draws, and it is either this tall or this tall, this many stories or this many units, if it gets approved it does. There is another level of approval that happens later from Building Code requirements which is what happens when the drawings get completed. That is Mr. Torres' Department, the Village Board would have no authority to tell him what it has to be.

**Mr. Passman** noted that predated him as well. That meeting was in January 2019, that was the most recent meeting and was purely for zoning approval. He also wanted to make sure it is clear, as mentioned in the beginning of the meeting, the provision in the Village Code that governs this process, this is not an adversarial proceeding, this is not *Chez Hotel v the Building Department*. What we have from staff is their opinion, position, recommendation on the requested relief. This is not a situation where you are or the Village Board is to weigh this side is more correct than the other. The BCRB's job is to view whether they have met the standards set forth in the Code for one or more of the Counts of relief they are seeking.

**Trustee Tinaglia** added, the last thing they want is have an advisory situation. We want you to be open, we want you to get this done. But what needs to be understood is that none of us here are going to take sides, we want to make sure that the rules are followed, the project is safe and where mistakes are made, that maybe there are some ways to correct those, or maybe there are some ways to adjust, but we cannot set a precedent of allowing things to happen that never should have happened in the first place.

**Ms. Bilotto** asked to clarify a point brought up, that is that the prior administration had approved it and there would be no need to necessarily think otherwise. They had been engaging with Mr. Torres and Mr. Passman for over a year now, trying to work this out. They were hopeful in negotiating things. Back in December of 2022, Mr. Cazares did in fact, negotiate the whole 1hr versus 2hr dry wall and Mr. Torres allowed for 1hr to be compliant. Now we are at this stage, where the drywall has been installed on 90% of the building and the Village is asking its removal.

**Trustee Tinaglia** asked if they had an explanation as to why drywall was put up on all of the walls when, according to Mr. Torres, he was very specific that none should be put up without inspections from the Village. How did that happen?

**Ms. Bilotto** acknowledged that was one of the things Mr. Torres stated, that they do not allow 3<sup>rd</sup> party inspections as a Village. They notified Mr. Torres and Mr. Passman multiple times, in emails and at meetings, via phone call, that their client was going to proceed by hiring Ms. Dettmer to continue inspections because they would not let us proceed.

**Trustee Tinaglia** summarized their position being that because our Building Department told you not to do any more work, and that they were not going to send out any inspectors until some things were corrected, you went and commissioned another outside source.

**Ms. Bilotto** said they did not say not to do any work at the time they commissioned her. **Trustee Tinaglia** asked, then why did you commission her? **Ms. Bilotto** said because they were not inspecting anymore. Mr. Torres refused inspections back in February or January of 2022. It was around March or April when they retained Ms. Dettmer to continue inspections. At all times they let them know that inspections were moving forward, that they could not hold up the project, it is already delayed due to Covid, they were trying to play catch up and move forward with this project.

**Mr. Torres** said that on March 29<sup>th</sup>, 2022, Mr. Cazares asked via email, can we start drywalling, Mr. Torres response to the email on March 30, 2022, was “definitely not, all rough inspections have not passed”. On June 21, 2022 there was an email, attorney to attorney, saying, please be advised the Village will not be performing further inspections until your client provides revised plans to the Village to determine it will be consistent with Type A construction. Neither a 3<sup>rd</sup> party inspector hired by your client nor ICCI has the authority under the Village Code State law to administer Village Building Codes. Email on June 21<sup>st</sup>, from attorney to attorney.

**Ms. Bilotto** acknowledge this but at the same token stated her client had to make a business decision to move forward.

**Mr. Bondarowicz** asked, what inspections were done? You should have thousands of pictures. **Ms. Dettmer**, stated that she does not do pictures while doing inspections. **Mr. McCormack**, their Engineer, stated he has pictures.

**Mr. Bondarowicz** suggested, as a group, as in the past, where there are reasonable items to look at, such as inspection reports and images, we can refine them, spend time on them, come to a resolution so that we are not ripping apart the building. It may be possible to conclude a reasonable alternative.

**Trustee Tinaglia** asked which Code are we going by. When the plans were submitted for the original permit to the Building Department, were they high-rise or not high-rise? **Mr. Cazares** answered, they were originally high rise, yes. **Mr. Castel** explained, it was a high-rise at first and explained his processes of changes.

**Mr. Torres** added, the approval was not a high-rise, it was a mid-rise. There was an agreement to use the exception if they comply with the entire section, however, the items now in hand is

that, since it was approved as mid-rise, the fire protection systems are approved as a mid-rise, the elevators were approved as a mid-rise, they would have to be reviewed now as a high rise.

**Trustee Tinaglia** asked if those plans have been redone. Is there a new set of high-rise plans resubmitted?

**Mr. Cazares** stated he submitted to the Board and to Jorge with the alternate method of compliance of what they need to do to bring it up to high rise. The building was designed as a high rise, it has a high-rise fire alarm, smoke system, ventilation, it has everything there. Some things were reduced under Mr. Lay and Mr. Touloumis, and they allowed the roof top on the 6<sup>th</sup> floor.

**Mr. Passman** stated, to his understanding, the approved plans under the Building Code was as a mid-rise in 2018, under the 2009 IBC. When someone comes with building plans, they go through plan review and they get revised, and there can also be zoning changes. When the plans are stamped, the project can begin. It was as a mid-rise under the 2009 IBC. Those plans required construction under Type 1B, which requires a 2hr fire rating for load bearing walls. The Village identified in late 2021, as Mr. Torres has stated, that all of the load bearing walls were built at a 1hr fire rating. Mr. Passman became involved shortly after in early 2022 and attended several meetings.

**Mr. Passman** stated the first phase was the shift to Type 2A which allows a 1hr fire rating. There was a back and forth over whether the building could be converted to 2A. The option to go to a high-rise as an issue was identified. There were conversations with Mr. Torres and Mr. Castel and that became the push, to shift it to a high-rise building. Where we are now, is that the next step from the Village's perspective is to submit those drawings.

**Mr. Cazares** stated, he did submit that and Jorge sent them to B&F for review. B&F never received the Jensen & Hugh report. Mr. Cazares called them personally, what they received is not what was submitted. They were sent partial information, and Jorge was picking doing what he wants and they have been getting nowhere for two years. This is not normal; he has done this with Chicago and many other places.

**Mr. Berk** went back to the question – how did we get here, you see the nature of the relationship. He asked the Board if there is a way with their help and guidance and experience to talk about what to do, to get back on track and move forward in a way that is safe.

**Trustee Tinaglia** summarized a scenario would be a new set of drawings, submitted to Jorge under the high-rise code and everything by Mr. Castel is exactly as it should be, next B&F reviews it. They make some comments, like, for example, the Fire Command Room, it cannot be in a basement. It has to be at the front door. How do we get around some of those things?

**Mr. Cazares** stated they would have to come up with some alternate solutions, but you do have to work with us. Mr. Cazares mentioned his discussions and agreements with Mr. Lay. He stated it is not a new construction, it is an addition.

**Mr. Torres** asked to clarify a few items. He stated there several permits involved now. The building permit was reviewed in house. However, the generator permit and back up permit were outsourced to B&F, only that permit, only that application, not the regular building drawings. The regular building drawings are reviewed in house. He believes we are at about 99% of the “building” permit completed. The generator was outsourced because it is out of our specialty. We are still talking about the sprinklers and the fire alarm and the elevator. That has not been reviewed as a high-rise yet. They have an approval as a mid-rise. The drawings have only been approved as a mid-rise.

**Mr. Passman** asked what drawings were received since the conversion to a high rise. **Mr. Torres** responded, the only drawings he received is for the regular building, architectural drawings, that we required to come as each section. We received that and are 99% completed. They submitted a permit application for the generator for the high rise, that was outsourced to B & F. They have not submitted drawings for the Fire Protection. Mr. Torres stated he has an email by both the elevator and fire protection system consultants they reviewed as a mid-rise, because it is designed as a mid-rise. It is not reviewed as a high rise. **Trustee Tinaglia** stated, it is agreed that this needs to be done. This has to be reviewed as a high rise.

**Mr. Bondarowicz** said this sounds like the logical pathway forward is that the Building, the Fire Suppression System, all of this gets submitted as a high-rise and approved as a high rise. If there is some minutia within that that is not allowed under the code, such as location in the basement versus the first floor, that comes to the BCRB to make a recommendation to the Village Board.

**Trustee Tinaglia** inquired, can Mr. Castel and anyone else involved in the drawings, to get the high-rise application 100% complete. Can that get done? **Mr. Cazares** again said it is here. The alternate method of compliance shows what needs to be done.

**Trustee Tinaglia** stated the general rule is that there are never any inspections, there should never be any construction, never any demolition, or anything on the job site, without an approved set of plans. That is the first step.

**Ms. Bilotto** wanted to clarify and make sure, as we move forward, the request is that additional high-rise plans be resubmitted. What their concern is that where does this stop. Is there an ending. If they submit the plans again, the Village has indicated that they are willing to accept Ms. Dettmer’s past inspections because they were done under a different classification.

**Trustee Tinaglia** responded, that is when you come back here. He does not believe Mr. Torres can unilaterally disregard the Code and say what Barb or anybody else has done in the field is alright, if he believes it is against the Code. This is where the BCRB comes in.

**Mr. Torres** stated that is correct to a degree. Going back to Ms. Dettmer 's inspections, the way to do that is to ask for permission first, that the 3<sup>rd</sup> party is allowed.

**Ms. Bilotto** wanted to make sure that whether is it a high-rise or a mid-rise or a low rise, the rough inspections for the electrical, the plumbing, the HVAC, the insulation, they do not change, whether it is a 1A, 2B or whatever the code classification is. That does not change.

**Trustee Tinaglia** answered, that is not correct. There are many, many penetrations in party walls, roof assemblies, floor assemblies, fire rated walls, where they have to do different kinds of treatments when they penetrate with electric, plumbing or HVAC. There are fusible links and there are all kinds of things that happen on one type of code versus the other. He suggested retracting her statement on that.

**Mr. Torres** added, he cannot do an inspection without approved drawings. To which, **Mr. Bondarowicz** stated, bottom line, is that we need a set of plans that is a high rise, complete and reviewed. If there are issues, come back to the BCRB and they will help try to resolve. At this point we have a high-rise building and no high-rise plans.

**Mr. Torres** added, Mr. Cazares did the high-rise section, we did not receive the full drawing, he has not answered any of the review comments from the generator permit, nor has he submitted the fire protection and the elevator drawing as a high rise. **Mr. O'Gorman** said it sounds like that shouldn't be a problem because Mr. Cazares stated he has it. **Mr. Cazares** acknowledged; it is completed.

**Trustee Tinaglia** commented that this is encouraging and should be very easy to do. **Mr. Cazares** stated that with what they put together, it is almost comical what needs to be done. They have a high level of safety; it is so minute.

**Trustee Tinaglia** commented to Mr. Cazares, that is your opinion. The three smoke detectors, some reflective tape, that is so elementary. Please do not go down that road, because that is going to produce adversarial conversations. Mr. Torres is professional, and is respectful. Let's get the drawings so that Mr. Torres can do his job the right way, and let's not belittle what minutia is.

**Ms. Bilotto** asked where the Board would stand as far as, say they resubmit the plans, but then they are looking at what the next step is and they want to get before this Board right away. They are concerned about that requirement that Mr. Torres set forth for removal 50% of the 1<sup>st</sup> floor. Depending on what that shows, they may have to remove more going up.

**Trustee Tinaglia** responded; you are going to come back here. Once those plans are reviewed and approved, Mr. Torres' department will identify whatever items do not meet code or whatever items you are looking for relief on, this Board will evaluate those and give our opinions. If you like our opinions, and it works out fine for you, then you will be on your way after the Village Board ratifies whatever we say. There is a process that has to be followed. Unlike what

happened before, with Ms. Dettmer , no disrespect to her, but you did not ask the Village Building Official for permission to use her professionalism, in lieu of the Building Department's professionalism. That was a huge mistake.

**Ms. Bilotto** stated that they notified. To which **Trustee Tinaglia** responded, no one asked you to notify, you were supposed to get approved before you did that. These are the types of things you need to avoid.

**Mr. Berk** agreed, lets submit what is being suggested, see where we are at, and then with the help and professional assistance of the BCRB, find a way to collegiately move forward. It should not be adversarial, lets get rid of the adversarial nature, and find a way to safely open the hotel.

**Trustee Tinaglia** added to Mr. Berk, avoid those mistakes and they will not be in your way. Referring to Mr. Cazares he said, you cannot go and just do and then ask for forgiveness later. You have to do this in a way that makes proper sense, through proper code, proper inspections and proper approvals. You may have done it differently in Chicago, it does not work that way here.

**Mr. Cazares** stated he will submit the plans in less than 48 hours for high rise. **Mr. Torres** stated again, the drawings that are missing are a full set of drawings showing high rise, generator permit drawings that show high-rise that have to be approved, the elevator drawings have to be reviewed again for a high rise, the fire protection system, which is sprinklers and alarm, has to be submitted and reviewed as a high-rise by a 3<sup>rd</sup> party.

**Chairman Hutchinson** added, that he is assuming as a part of this, we are considering allowing this to move forward without him doing demolition on all of the drywall that is installed. We are probably going to want to see all of the photographs that construction has.

**Mr. Bondarowicz** stated that if it looks like it is going down the path of opening 50% of the walls on the 1<sup>st</sup> floor to do inspection, he is making a suggestion being, he would get going. Let's get this done. **Mr. Bondarowicz** asked Mr. McCormick (the engineer) if he saw the building before drywall? **Mr. McCormick** responded no, he came in two months ago, and he has only seen the 6<sup>th</sup> floor open and everything that has been after drywall.

**Mr. Bondarowicz** mentioned it may help us as a group if you have a report in which you are referencing images. **Mr. Berk** referenced looking at the 6<sup>th</sup> floor, comparing to not needing to see the 1<sup>st</sup> floor and **Mr. Bondarowicz** asked that we not go through this again, lets get the approved set of plans. He noted that there is a lot of liability here. Let's get the approved plans and go from there.

**Mr. Cazares** said he has the plans complete; he will submit it to Mr. Torres. He mentioned that the Village is looking for all mechanical, electrical, plumbing drawings that have already been installed. Mr. Torres noted, we need full building, not just Section 403 of the high rise.

**Trustee Tinaglia** stated to Mr. Cazares that we need a set of drawings that are signed, sealed by your Architect, stamped by the Village. That is what we need to make Mr. Torres' job comfortable in moving forward.

**Mr. Bondarowicz**, touching back on one of the Counts, asked what the logic was in deferring 36 months on the generator? **Mr. Cazares** answered that the problem is, is that the transfer switch for the fire pump is over 20 something months backordered. We agreed to get the plans, but the transfer switch itself is not available.

**Chairman Hutchinson** asked for any other business. **Mr. Passman** responded that with the direction he is hearing, they do have a pending application, which is supposed to give recommendation on.

**MR. BONDAROWICZ MADE A MOTION THAT THE CURRENT APPLICATION BE DENIED BASED ON DISCUSSIONS THIS EVENING. TRUSTEE TINAGLIA SECONDED THE MOTION AND ADDED COMMENT STATING, WITH THE DIRECTION THAT THE PETITIONER COMPLETE THE TASK DISCUSSED ALL NIGHT OF COMPLETING A HIGH-RISE APPLICATION.**

**ALL WERE IN FAVOR.**

There was brief discussion where **Mr. Torres** clarified that this is for denial of the application. This is the recommendation that will go to the Board.

**Trustee Tinaglia** concluded that the good news was that the faster you get this in the Building Departments hands, in a satisfactory way, Mr. Torres will review and we will reconvene here if necessary for whatever items. **Mr. Berk** added, to the extent that after that is done, some of the issues surface again and both sides need your assistance, tonight's denial is not going to stop you from doing that. Is that correct? **Mr. Bondarowicz** stated, what we are doing is we are denying this particular application.

**Trustee Tinaglia** suggested to Mr. Cazares that if it were his building and he knew one of the road blocks was the fact that all of this drywall is up, if I don't have 1000 pictures of all of the mechanicals and so forth in there, then I am removing some drywall to invite the inspectors out to see things. Don't delay on that. Brief discussion took place regarding inspections.

**With no other business, Chairman Hutchinson moved to adjourned.**

**The meeting adjourned at 8:38pm**



**Building Code Review Board**  
**7/24/2023**

**Item:** Memo - Removal of amendments and adapting the appendices to the basic Building and Fire Code

**Department:** Building & Life Safety

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
Removal of amendments and adapting the appendices to the basic Building and Fire Code	Memorandum



## MEMORANDUM

**DATE:** July 17, 2023  
**TO:** Building Code Review Board  
**FROM:** Jorge Torres, Director of Building & Life Safety  
**SUBJECT:** Removal of amendments and adapting the appendices to the basic Building, Plumbing and Fire Code

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The International Code Council develops construction and public safety codes through a governmental consensus process. This system of code development has provided the highest level of safety in the world for more than 90 years. The International Code Council is the largest international association of building safety professionals. The Code Council is the trusted source of model codes and standards that establish the baseline for building safety globally and create a level playing field for builders and manufacturers. International Code Council building safety solutions draw directly from the expertise developed in authoring the international codes and standards and apply that to product evaluation, accreditation, certification, codification, training, and technology. Staff believes that basic model code has been tested for the minimum building codes and is proven to work well.

Section 27-101 Adoption of the 2018 International Fire Code. There is hereby adopted by reference the 2018 Edition of the International Fire Code (IFC), except as modified by Section 27-102 of this Article. Appendix D is specifically adopted.

### **Ch 27 2018IFC Adapting:**

- Appendix B Fire-flow Requirements
- Appendix C Fire Hydrant Locations & Distribution

*By adapting the above, we will be able to enforced as the minimum requirements.*

### **Chapter 23 Removal of Village Amendments:**

Section 23-903 Modification by Amendment of Certain Sections of the Illinois Plumbing Code. The Illinois Plumbing Code adopted by this Article is modified for use in the Village by the following amendments, which amendments are given section numbers identical to the Illinois Plumbing Code. Subpart E: Interceptors- Separators and Backwater Valves.

### **CURRENT**

Section 890.510: Grease Interceptor Requirements.

Add the following paragraph after the first paragraph in the section: When a Type 1 Grease Hood is utilized in a commercial kitchen, as specified in the International Mechanical Code, and external grease trap shall

be required. Minimum external grease trap size as specified in the State of Illinois Plumbing Code of 2014, Section 890, Appendix E, Subpart E, Illustration B, Typical Grease Trap. Section 890.510(a)(2) Add the following sentence: Minimum interior grease trap size shall be 50 GPM (gallons per minute) and shall be installed with removable cover set flush with the finished floor in a readily accessible area for regular maintenance and inspection. The installation of a (“50 GPM” or “properly sized”) grease trap is required in any location which contains a Type II grease hood as required in the International Mechanical Code.

#### **PROPOSED**

Section 890.510: Grease Interceptor Requirements.

~~Add the following paragraph after the first paragraph in the section: When a Type I Grease Hood is utilized in a commercial kitchen, as specified in the International Mechanical Code, and external grease trap shall be required. Minimum external grease trap size as specified in the State of Illinois Plumbing Code of 2014, Section 890, Appendix E, Subpart E, Illustration B, Typical Grease Trap. Section 890.510(a)(2) Add the following sentence: Minimum interior grease trap size shall be 50 GPM (gallons per minute) and shall be installed with removable cover set flush with the finished floor in a readily accessible area for regular maintenance and inspection. The installation of a (“50 GPM” or “properly sized”) grease trap is required in any location which contains a Type II grease hood as required in the International Mechanical Code.~~

*This amendment should be removed from the Village Code due to this is more of a maintenance issue not a plumbing code.*

#### **CURRENT**

Subpart F: Plumbing Fixtures

Section 890.680 Lavatories. Add the following sentence as the first sentence of the section: Lavatories/hand sinks are required in all commercial kitchens and examining rooms used by physicians, dentists, chiropractors and other medical practitioners, as well as massage therapists, aestheticians and any other business that require direct contact with the skin.

#### **PROPOSED**

Subpart F: Plumbing Fixtures

~~Section 890.680 Lavatories. Add the following sentence as the first sentence of the section: Lavatories/hand sinks are required in all commercial kitchens and examining rooms used by physicians, dentists, chiropractors and other medical practitioners, as well as massage therapists, aestheticians and any other business that require direct contact with the skin.~~

*This amendment should be removed from the Village code the state plumbing code is sufficient.*

#### **BUILDING REGULATIONS Article II**

Regulations and Standards for One- and Two-Family Dwellings

Section 23-201 Adoption of the 2018 International Residential Code and Appendices for One-and Two-Family Dwellings. There is hereby adopted by reference the 2018 Edition of the International Residential Code for One- and Two-Family Dwellings (IRC), including Appendices J, K, M, and O, except as modified by Section 23-202 of this Article. In the event that a detail of the construction or regulation is not covered by the 2018 Edition of the International Residential Code, the provisions of Article III of this Chapter shall apply.

**CURRENT**

Add: M1602.3 Return air inlets. Unless approved by the Building Official in writing, non-central return air inlets shall be installed both high and low in each room where return inlets are installed.

**PROPOSED**

~~Add: M1602.3 Return air inlets. Unless approved by the Building Official in writing, non-central return air inlets shall be installed both high and low in each room where return inlets are installed.~~

*This should be removed as it is more of a design factor than code enforcement.*

**Recommendation:**

Staff recommends that that Building Code Review Board recommend to the Village Board the approval of an amendment to the Arlington Heights Building Code to make the deletions described.